

REMARKS

In response to the Office Action, mailed August 24, 2004, Applicants submit that the Examiner is not examining the subject matter of the pending claims, but is in fact searching and making rejections on sequences that were never submitted with the patent application and were never claimed. The Examiner has failed to follow the procedures required under MPEP section 904.

The PTO has erroneously entered the wrong sequence listing into the PTO sequence database and thus the SEQ ID NOS:7 and 8 associated with this patent application in the PTO sequence database DO NOT correspond to the SEQ ID NOS:7 and 8 listed in the present application and sequence listing.

If the Examiner had “obtained a thorough understanding of the invention disclosed and claimed in the nonprovisional patent application” (MPEP section 904, first paragraph) the Examiner would be searching TNF antibody heavy and light chain sequences as disclosed and claimed in the present patent application, as shown as heavy and light chain amino acid SEQ ID NOS:7 and 8, AS PRESENTLY DISCLOSED AND CLAIMED IN THE PRESENT PATENT APPLICATION. The Examiner would not be searching MIP-1b and RANTES cytokine sequences as erroneously listed in the sequence listing associated with this patent application in the PTO sequence database. These sequences were never submitted with the present application and the sequence listing associated with this patent application in the PTO sequence database is incorrect.

Applicant submits herewith written and electronic copies of each sequence listing submitted with the patent application, which are dated in each case, and which correspond to the original sequences submitted as part of the priority patent applications. Accordingly, Applicants submit that the Examiner has failed to understand the presently claimed application as filed and requests that the Examiner conduct a proper search as required under MPEP 904 using currently elected claims reciting SEQ ID NOS:7 and 8, which correspond to heavy and light variable chain amino acid sequences of the presently claimed TNF antibody.

Applicants submit that the Examiner has failed to properly examine the present application and claims and thus it is not entitled to issue a final Office Action in the present case, but must reissue a new first office action on the merits using a search of the proper sequences listed as SEQ ID NOS:7 and 8 of the present application, as listed in each of the priority applications, the present application, and each of the submitted sequence listings as attached in printed and computer readable form.

Reconsideration and allowance of the pending claims are respectfully requested.

If any fees are due in connection with the filing of this response, authorization is hereby given to charge the amount of such fee to Deposit Account No. 10-0750/CEN0250NP/GKT in the name of Johnson & Johnson.

Respectfully submitted,



Guy Kevin Townsend
Registration No. 34,033
Attorney for Applicant(s)

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One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
732.524.2517
Dated: September 24, 2004

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SEQUENCE LISTING



<110> Giles-Komar, Jill
David Shealy
David Knight
Bernie Scallon
George Heavner

<120> ANTI-TNF ANTIBODIES, COMPOSITIONS, METHODS AND USES

<130> CEN0250

<140> CURRENT APPLICATION NUMBER: US 90/920,262

<141> CURRENT FILING DATE: 2001-08-01

<150> 60/223,360
<151> 2000-08-07

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<151> 2000-09-29

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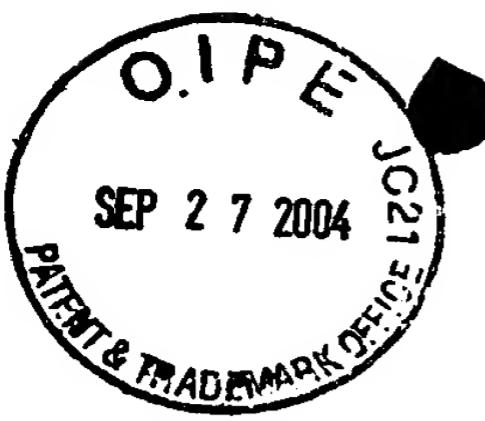
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SEQUENCE LISTING

<110> Giles-Komar, Jill;
David Shealy;
David Knight;
Bernie Scallion;
George Heavner

<120> ANTI- TNF ANTIBODIES, COMPOSITIONS, METHODS AND USES

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Ala Val Ile Ser Tyr Asp Gly Ser Asn Lys Tyr Tyr Ala Asp Ser Val
 50 55 60

Lys Gly Arg Phe Thr Ile Ser Arg Asp Asn Ser Lys Asn Thr Leu Tyr
 65 70 75 80

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